

ADVISORY COMMISSION ON SPECIAL EDUCATION

February 28, 2002
MEETING MINUTES

APPROVED 4/25/02

CALIFORNIA DEPARTMENT OF EDUCATION
721 CAPITOL MALL, ROOM 166A&B
SACRAMENTO, CA 95814

Thursday, February 28, 2002

Commission Members Present

Patty Boyle
Catherine Conrado
Catherine E. Garbacz
Angela Hawkins, Chair
Janet Mangini
Jim Woodhead

Allison Brightman, Vice-Chair
Patricia Flores-Charter
Karla Geller
Shirley Kaltenborn
Barbara Monroe
Linda Wyatt

Commission Members Absent

Julie Kennedy

Lawrence Siegel

Student Member Present

Sean Rossall

Student Member Absent

Kevin Verdi

Legislative Members Absent

Charles Poochigian, Senate Member

Fran Pavley, Assembly Member

Governor's Office, Deputy of Education K-12, Liaison Absent

Theresa Garcia

State Board of Education Liaison Absent

Robert Abernethy

Department of Education Staff Present

Alice Parker, Executive Secretary
Director, Special Education Division

Dennis Kelleher, Co-Staff Liaison

Janet Canning, Co-Staff Liaison

Yolanda Starr, Commission Secretary

Department of Education Staff Absent

Ronald S. Kadish, Director
State Special Schools Division

Thursday, February 28, 2002

CALL TO ORDER

Chair Angela Hawkins called the meeting to order at 8:40 a.m. A Pledge of Allegiance to the flag was given. Roll was taken and a quorum was present.

INTRODUCTIONS/ANNOUNCEMENTS

Chair Hawkins welcomed back Dennis Kelleher, new Commission Staff Liaison, and the newest Commission members, Catherine Conrado and Catherine Garbacz.

OPERATIONS & PLANNING (O&P) MEETING REPORT

The O&P meeting was held on Wednesday evening, February 27, 2002. Points of discussion were:

- Changes to future agendas: Merge Liaison Reports and Commissioner Reports to read, "Liaison/Commissioner Reports."
- Commission legislative visits will resume in March 2002 and a statement of purpose will be taken to each legislative office.
- The October 2002 proposed Commission meeting sites were Chico, Redding, Mendocino or Sonoma.
- Riverside was a possible meeting site for the November 2002 Commission meeting.
- State Board of Education meeting assignments: March – Sean Rossall and/or Catherine Garbacz; April – Linda Wyatt; May - Sean Rossall; June – Catherine Garbacz
- The March 20, 2002, President's Commission on Excellence in Education meeting was cancelled.
- Commissioner Jim Woodhead to chair a third Commission Sub-Committee to be formed regarding organizing with stakeholders and forming coalitions.
- The California Individuals with Disabilities Education Act (IDEA) Summit will be held at the California Association for School Psychologists (CASP) Conference, the first week of March. Former Commissioner Loeb Aronin will participate on the Commission's behalf.
- The Program/Policy Committee will present on Thursday in April. The Legislative/Finance Committee will present on Thursday in March and May.

CHAIR REPORT

Chair Hawkins reported she attended the Coalition for Adequate Funding meeting in San Diego, February 6, 2002. The Committee was comprised of Special Education Local Plan Area (SELPA) directors who welcomed Chair Hawkins to the meeting. Points of discussion included the Governor's budget and reauthorization of IDEA. The Coalition suggested the Commission would have more power when visiting the Legislature not being a member of the Coalition. Instead, the Coalition invited the Commission to participate as a guest.

LIASION/COMMISSIONER REPORTS

Commissioner Patty Boyle reported Assemblyman Horton contacted her and expressed interest in working on class size reduction with the Commission. In addition, Commissioner Boyle stated the CARS+ document on the Individual Education Program (IEP) writing and education was very well received.

Commissioner Karla Geller reported that Bob Snowden, Special Education Division, wanted to update the Commission on Goal 5 regarding workforce preparation at the May meeting.

Commissioner Patricia Flores-Charter reported she spoke with Rae Belisle, Chief Legal Counsel, State Board of Education who voiced the SBE's support of the California High School Exam accommodations. In addition, the SBE was investigating the development of a differential diploma. Assemblymember Fran Pavley authored a bill regarding alternate assessment that would put timelines on the process and

assist in developing the alternate assessment. Commissioner Flores-Charter suggested the Commission send a letter to the SBE or legislators encouraging the use of accommodations for special education students.

Commissioner Barbara Monroe stated an author was found for Commission sponsored legislation. In addition, Commissioner Monroe attended a Charter Schools Commission meeting, a newly formed Commission with appointees from the State Board of Education. Commissioner Monroe also attended the CARS+ Conference.

Commissioner Shirley Kaltenborn attended the Low Incidence Disabilities Advisory Committee (LIDAC) meeting in Fremont in January. Topics discussed included full funding, reauthorization, and CAHSEE. The next meeting will be on May 18, 2002 in Ontario.

Student Member Sean Rossall suggested advocates and advocacy be on future Commission agendas.

Commissioner Allison Brightman reported she formed a committee of parents, teachers and administrators who drafted an overhaul of special education in her district.

REVIEW/APPROVAL OF JANUARY 24-25, 2002, MINUTES

Corrections were: Page 2-Remove second bullet item under Operations & Planning Meeting Report; Page 3-Motion 1, replace Hawkins with Monroe; and Page 6-Bullet 5- replace "special" with "specified."

M/S/C 02-02-01

MOVE THAT THE MINUTES BE APPROVED AS CORRECTED.

Kaltenborn/Conrado

SPECIAL EDUCATION DIVISION REPORT: Dr. Alice Parker, Director, California Department of Education, reported on various items to the Commission:

- Stephanie Lee, parent of a child with Down's Syndrome, was the new Director of the Office of Special Education Programs (OSEP).
- The President's Commission on Excellence in Education Report is due in July 2002.
- Dr. Parker will send out, through the listserv, the position paper on reauthorization developed by the California Department of Education for input from the Commission. Focus areas to be targeted: accountability, teacher preparation, and designated instructional personnel preparation.
- The U.S. Department of Education did not require the CDE to do a self-assessment in the continuous improvement monitoring system for 2002.
- Dr. Parker will provide in April to the Commission ideas and presentations around the data for monitoring and collection efforts. The CDE will work with OSEP in developing a document on state improvement planning. One area to be covered is Least Restrictive Environment (LRE).
- Dr. Parker volunteered to have the Special Education Division provide a two-three hour LRE training for the Commission during the April 2002 meeting.
- Developing a compliant Individualized Education Program (IEP) and implementing it was also a major concern.
- Dr. Parker requested the Commission to give her input on three targeted areas regarding state improvement planning for the next several years. The document is due in July 2002.
- Dale King is the new U.S. Department of Education Liaison and Larry Ringer is his supervisor in the monitoring unit. The USDE will provide California with pilot technical assistance that will be embedded in the state improvement planning.
- Monitoring and self-reviews were almost 99 percent complete out of 234 for 2002, with the focus on children, outcome, compliance with IEPs and parent in-put meetings.

- Dr. Parker attended the regional field meeting in Sacramento that included workshops on LRE, specialized physical health care conditions in the new "Greenbook," adaptive physical education assessment, and alternate assessment among others.
- Dr. Parker will send the Commission the website for the judges decision regarding an injunction against not allowing modifications and accommodations in children's IEPs and 504 plans.
- Update on hiring freeze in state government: Special Education Division had 20 vacancies and approval was granted by Department of Finance to hire additional staff.
- Georgianne Knight, Consultant, Special Education Division, attended the California Association of Resource Specialists (CARS+) Conference for Dr. Parker, who had a dental emergency.

Questions and discussion ensued.

Mr. C. Todd Jones, who is in charge of Office for Civil Rights (OCR), U.S. Department of Education was the person to contact to provide input at the President's Commission on Excellence in Education meetings.

PRESENTATION: Alternate Assessment and the California High School Exit Exam (CAHSEE): In Pamela McCabe's absence due to illness, Allan Lloyd-Jones, Consultant, California Department of Education, presented the Commission with an update on the California Alternate Performance Assessment (CAPA) and California High School Exit Exam (CAHSEE).

CAPA: Areas covered in the outline, were a matrix describing how students with disabilities will participate in statewide assessments, which students should take the alternate assessment and the numbers of students who take it. Three phases of the alternate process from Spring 2001 to Spring 2003 will deal with functional life skill goals. In addition, information included standards that were based on curriculum for all students.

CAHSEE: This exam is divided into two parts - English-Language Arts (reading and writing) and mathematics. Areas covered included:

- Passing rates in 2001
- Students who did not pass in 2002
- Accommodations for the CAHSEE
- Accommodations and/or modifications

In addition, Mr. Lloyd-Jones distributed a guidance document entitled, "Guidance for Making Accommodation Decisions." This document provided information about the major assessment programs in California and specific information on how to provide test accommodations. See Handouts.

Questions/discussion ensued.

PRESENTATION: Assemblymember and Commissioner Fran Pavley introduced her Chief of Staff, Debra Gravert to the Commission. Assemblymember Pavley has taught special education and is a parent of a son with autism. In addition, Assemblymember Pavley spoke to the Commission about a bill that will introduce legislation on guidelines to develop alternate assessment for the CAHSEE for students who cannot be accommodated under current conditions.

Questions ensued.

COMMISSIONERS' DISCUSSION: Commissioners discussed topics that were presented to the Commission:

Alternate Assessment

The value of alternate assessment for children who could not communicate was questioned.

Special Education Division Report

A request was made for a schedule of on-site reviews the SED would be conducting at districts.

Co-Staff Liaison Janet Canning volunteered to provide the Commission with a schedule.

It was decided to draft a letter regarding the CAHSEE to the Governor, legislative Education Committee members and State Board of Education.

M/S/C 02-02-02

MOVE THAT PATRICIA FLORES-CHARTER DRAFT A LETTER REGARDING ACSE'S POSITION ON THE CALIFORNIA HIGH SCHOOL EXIT EXAM AND ALTERNATIVE DIPLOMA. RECOMMEND INTERFACE BETWEEN K-12, SECONDARY, ETC., (WORKABILITY), INTERSEGMENTAL GROUPS, BOARD WAIVERS, DEBATE ON JUDGE'S ORDER.

Kaltenborn/Wyatt

Rationale: Commission needs to approve letter before distribution.

PRESENTATION: Key Performance Indicators and the Statistical Profile, Dr. Lalit Roy, Manager, California Department of Education, provided the latest special education statistics in California as of December 2000. On December 1, 2000, 650,719 students received special education services in California. Specific learning disabilities constituted the largest portion of special education students. The next largest group was speech and language impairment. California's special education population increased 18.2 percent from 1994 to 2000. Dr. Roy stated there was no longer an ethnic majority in California; only ethnic minorities existed. The white population was now 40.1 percent, Hispanic- 41.2 percent, African-Americans-12 percent, and Asian-8 percent.

Dr. Roy shared data that showed more students fell behind in grades 9 and 10, compared to earlier grades. Gender breakdown has continued to be stable at 66 and 33 percent for the many years Dr. Roy has been involved in special education in California.

Comparison of special education data to general education: The growth rate in the past decade showed special education grew at a higher rate than general education. Between 1999 and 2000, the growth rate in special education tapered slightly. The forty largest districts in California (about 4 percent of all districts) accounted 40 percent of all students.

Dr. Roy stated ethnic disproportionality in special education was one of the issues being closely followed. There were two methods of viewing ethnic disproportionality in special education. One was to view the percentage of students within an ethnic category that were in special education. The other was to compare the ethnic percentage distribution of all students in general education against that in special education. Overall, the proportions of African-American and White students are higher in special education than in general education.

In the mental retardation category, African-American and Hispanic students show higher disproportionality, compared to general education. In emotional disturbance category, African-American,

White, and Native American students show higher disproportionality, compared to general education. Most of the students in emotional disturbance are either African-American or white.

Top services that students received: About 44 percent of special education students received resource services. Thirty-one percent received special day class programs or services. The services students received varied according to disability. Sixty-nine percent of students with a Learning Disability (LD), the largest population of students, received resource programs or services.

Home language: About 73 percent of students spoke English; 33 percent spoke Spanish. Spanish and English speaking students accounted for almost 96 percent of all special education students in California.

More than 60 percent of special education students received instruction in regular education class more than 80 percent of the time.

Key Performance Indicator Data: The number of indicators such as graduation and dropout rates showed improvement over the past years. The Standardized Testing and Reporting (STAR) test results of general and special education students were also compared.

Questions ensued.

COMMISSIONERS' DISCUSSION

Action items the Commission are focusing on:

- Amend current legislation
- Reasonable accommodations to comply with 504 and Americans with Disabilities Act (ADA) modifications
- Tiered Diploma
- Parity of funding for public schools and Nonpublic Schools (NPS) – action: introduce legislation
- Exchange of Records – action: Commission sub-committee to meet with Tracy Fried and John Bovine; result: statewide expansion of health and education passport exchange of records to children in foster youth. Commissioners involved: Wyatt, Kaltenborn and Hawkins
- NPS – action: role of nonpublic school and Master Plan for Education in California, and accountability; hopeful result: Nonpublic School Alternative (NPSA)
- Strengthen, qualitatively on-site review teams.

Chair Hawkins met with Tracy Fried. A grant was expanded statewide and a Health and Education Passport was being developed for all foster youth.

PRESENTATION: Update from the Complaints Management and Mediation Unit, Scott Berenson, Special Education Assistant and Connie Bourne, Manager, California Department of Education distributed a document on the types of complaints the Complaints Management and Mediation Unit receive. In addition, the document provided information on the ten most frequent allegations, complaints by county, in-house training of staff and steps of the complaint process. See handout.

PUBLIC INPUT

Patty Arvin, California Teachers Association, Teacher, Vacaville, spoke to the Commission about the California Alternate Program Assessment. Ms. Arvin expressed concerns regarding the CAPA and stated that she had a responsibility to meet the individuals' needs per their IEP and the range and diversity in our classrooms. She also stated that while there is a need for alternate assessment, for students with special education needs, a single packaged assessment that each child is required to participate in without multiple options, not related to their IEP, is inappropriate.

Sue Kawasaki, current CARS+ President, shared results of the CARS+ convention of 1,000 participants with the Commission. There were 56 exhibitors and 36 recruiters. In addition Mrs. Kawasaki thanked Georgi Knight and Dianna Blackmon, CDE consultants, for their participation. Commissioner Barbara Monroe was acknowledged for representing the Commission at the conference.

Mrs. Kawasaki presented Chair Hawkins with a complimentary copy of the new CARS+ handbook. The handbook may found on the CDE and ACSA websites: A spiral bound copy may be purchased from ACSA for \$8.00. The CARS+ website at www.cars+.org may be accessed for additional information.

The next CARS+ conference will be in Palm Springs.

COMMISSIONERS' DISCUSSION OF ACTION ITEMS

Commissioner Catherine Garbacz suggested the Commission invite advocates to present their strategies to the Commission.

Legislative Analyst's Office study: Action: Intervene and study. Hoped for results: dissemination of results statewide.

Coalition building effort: It was suggested the Commission develop a one-page flyer describing the Commission's purpose. In addition, the back of the flyer would list facts about special education. Commissioner Jim Woodhead distributed copies of the tasks outlined regarding the Coalition. In addition Commissioner Woodhead volunteered to contact Commissioner Larry Siegel and request that he draft a statement that could be given to legislators.

It was also suggested the Commission develop a position paper to be sent to the federal government regarding re-authorization of the IDEA.

Chair Hawkins requested Commissioners to consider changing meeting days from Wednesday, Thursday and Friday to Tuesday, Wednesday and Thursday. Commissioner Catherine Garbacz volunteered to draft four optional meeting dates for the Commission.

As there was no further business, the meeting adjourned at 4:15 p.m.

Friday, March 1, 2002

Commission Members Present

Patty Boyle	Allison Brightman, Vice-Chair
Catherine Conrado	Catherine E. Garbacz
Karla Geller	Angela Hawkins, Chair
Shirley Kaltenborn	Janet Mangini
Barbara Monroe	Jim Woodhead
Linda Wyatt	

Commission Member Absent

Patricia Flores-Charter	Julie Kennedy
Lawrence Siegel	

Student Members Absent

Sean Rossall	Kevin Verdi
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Legislative Members Absent

Charles Poochigian, Senate Member	Fran Pavley, Assembly Member
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Governor's Office, Deputy of Education K-12, Liaison Absent

Theresa Garcia

State Board of Education Liaison Absent

Robert Abernethy

Department of Education Staff -Present

Janet Canning, Staff Liaison	Yolanda Starr, Commission Secretary
Dennis Kelleher, Staff Liaison	

Department of Education Staff -Absent

Ronald S. Kadish, Director	Alice Parker, Executive Secretary
State Special Schools Division	Director, Special Education Division

Friday, March 1, 2002

CALL TO ORDER

Chair Hawkins called the meeting to order at 8:40 a.m. and a Pledge of Allegiance to the flag followed. Roll was taken and a quorum was present.

ANNOUNCEMENTS

Chair Hawkins requested that future Thursday and Friday mornings include under the “Announcements” portion of the agenda, introductions from the audience and whom they represented.

In addition, Chair Hawkins stated badges had been made for Commissioners to wear when visiting the legislature or attending Commission meetings.

STUDENT MEMBERS' REPORT

Student Member Sean Rossall requested more student involvement in legislature and to have advocacy speakers present to the Commission.

REPORT: Special Education Local Plan Area (SELPA) Activities, Maureen Burness, Director, Placer-Nevada SELPA, thanked Chair Hawkins for representing the Commission at the Coalition for Adequate Funding for Disabled Children meeting in January. Legislative and budget actions in California were the focus of the meeting. In addition Ms. Burness spoke to the Commission about some of SELPA's concerns and activities:

- Major concern: federal money to be used to fund special education.
- AB 2093 (Dickerson/Alpert) was a new bill for the SELPA that would change the funding model to have incoming federal money used toward equalization for special education. Ms. Burness requested support from the Commission on this bill.
- Full funding at the federal level for reauthorization of IDEA.
- The SELPA, ACSA, CARS+ AND CASHA met with other organizations to put primary issues regarding reauthorization into one document. The Commission's input and participation in this endeavor was also requested.
- Input to the President's Commission on Excellence in Education Task Force to be ensured.
- The Annual Legislative Information Day will be held on May 1, 2002. Parents and students have traditionally been invited to attend.
- Lack of training program available for interpreters to adequately prepare them.

The next SELPA meeting will be on March 1, 2002, 1:30 p.m. at the ACSA office, Sacramento.

Questions ensued.

Commissioner Jim Woodhead was assigned as liaison to the Reauthorization Focus Effort Group, a new Commission assignment.

LEGISLATIVE UPDATE: Paul Hinkle, Consultant, California Department of Education, first provided a federal legislative update to the Commission. The President amended his Executive Order that created the President's Commission on Excellence in Education on February 6, 2002, to extend the reporting date from April 30, 2002 to July 1, 2002. The first regional meeting was held in Houston, Texas on “Effectiveness of Special Education.” The March 20 meeting in San Diego was cancelled as posted on <http://www.cde.ca.gov/spbranch/sed/acse/acseindx.htm> at the Commission's web site.

March 21, 2002 in Los Angeles was scheduled for the President's Commission meeting. Transcripts from the regional meetings would be posted on the web site as well. Mr. Hinkle encouraged the Commission to give written input to the President's Commission on various topics not only on topics scheduled at the meeting.

Mr. Hinkle reported it was doubtful the IDEA authorization would take place in 2002. In addition, Mr. Hinkle read from an article in the D.C. Daily stating that Parts C and D of IDEA would expire on October 1, 2002 unlike Part B, which is permanently authorized. However, the programs under Parts C and D would continue to operate until Part B was reauthorized.

The National Council on Disability, a group that advises the government on caring for people with disabilities, listed funding and discipline as major issues for Congress to consider during reauthorization. Monitoring and enforcement as well as eligibility and over representation of linguistically and culturally diverse students were also included.

There was a \$1 billion increase for Part B (state grants) in the President's budget for special education for fiscal year 2003. This would boost Part B to \$8.53 billion for 2003.

The federal legislative bills the Commission was following had no changes in them since January 2002.

State Legislation

Mr. Hinkle distributed a copy of the "Legislative Analyst's Analysis of Governor's Special Education Budget." California was to receive an increase of \$131.6 million in IDEA Part B funds for fiscal year 2002-03. See handout for further information.

Mr. Hinkle encouraged the Commission to support the following bills:
AB 1859 (Papan), omnibus, CDE sponsored bill, to further align state special education laws with the IDEA amendments of 1997 and implement regulations in 1999. See handout

Mr. Hinkle also addressed SB 2012 (Margett), the measure sponsored by the Commission aligning the Education Code in the area of interagency agreements with IDEA.

LEGISLATIVE BILL ASSIGNMENTS, Commissioners:

Bill-Author	Description	Commissioner	Recommend
State Legislation Two-Year Bills			
AB 164-Harman	Special Education: Due Process Hearings.	Brightman	Support
AB 323-Pavley	Special Education: Juvenile Courts	Hawkins	None yet
AB 634-Wesson	Regarding minimum age of compulsory school attendance.	Geller	Watch
AB 688-Campbell	Developmental Disabilities	Brightman	Watch
AB 886-Simitian	Parental Authority: Educational Decisions	Conrado	None yet
AB 925-Aroner	Employment of persons with disabilities.	Wyatt	Support
AB 1096-Wright	Pupil health-eye examinations.	Wyatt/Kennedy	Support

Legislative Bill Assignments Continued

Bill-Author	Description	Commissioner	Recommend
AB 1859-Papan	Special education pupil suspension expulsion	Conrado	None yet
AB 1818-Comm. on Education	Adopt regulations necessary to provide aid, assistance and encouragement to certain activities and special education	Brightman	None yet
AB 1895-Wright	Teachers who cannot be sanctioned against by districts if they provide support to parents on special education issues	Boyle	None yet
AB 2093-Dickerson	Special Education: Funding	Monroe	Support
AB 2326-Frommer	Braille Reading Standards	Wyatt	None yet
AB 2444-Dutra	State special schools and diagnostic centers	Mangini	None yet
AB 2507-Pacheco, Rod	State special schools – spot bill	Not assigned	
AB 2520-Bates	Special Education funding-spot bill	Not assigned	Watch
AB 2600-Pavley	High school exit examination	Garbacz and Flores-Charter	None yet
AB 2668-Zettel	Pupil brain and spinal cord injury prevention	Kaltenborn	None yet
AB 2740-Chan	Children’s mental health	Geller	None yet
AB 2741-Chan	State Department of Children’s Services	Rossall	None yet
AB 2881-Chan	Pupil health screenings: Pilot program	Wyatt	None yet
SB 33-Garbacz	School parent compacts: Neil Soto Program-Fiscal/Urgency	Garbacz	None yet
SB 105-Burton	Specialized services	Garbacz	None yet
SB 391-McPherson	Consulting nurse in school districts.	Wyatt	Support
SB 606-Vasconcellos	Pupil health-screening of binocular function.	Kennedy	Support
SB 676-Poochigian	Charter Schools Special Education Plan Program	Kaltenborn	Watch
SB 789-Oller	Academic Performance Index	No assignment	Watch
SB 1379-O’Connell	Speech-language pathologists: endoscopies	Mangini/Kennedy	None yet
SB 1677-Alpert	Surrogate parents	Brightman	None yet
SB 1708-Poochigian	Charter schools: special education funding	Hawkins	None yet
SB 2012-Margett	Rights of parents to information	Monroe	None yet
U.S. Congress Bills			
H.R. 73-Jackson-Lee	Identifying and treating children with dyslexia.	No assignment	Watch
H.C.R. 91-Smith	Increasing autism awareness.	Boyle	Support
H.R. 371-Rivers	Amendment of the Individuals with Disabilities Education Act (IDEA) on state grants	Wyatt	Watch
H.R. 651-Graves	Amendment of the IDEA for increased authority to discipline students.	Brightman	Oppose
H.R. 1500-Nussle	Amendment of the IDEA –uniform policies	Brightman	Oppose

Commissioner Patty Boyle volunteered to contact Congressman George Miller and report back to the Commission.

Groups to visit the Legislature in March

Monroe: Garbacz, Hawkins, Wyatt
Kaltenborn: Flores-Charter, Boyle, Kennedy, Woodhead
Mangini: Conrado, Rossall, Powell

Chair Hawkins requested the Commission consider changing the Operations and Planning meeting from 6:00 p.m. to 8:00 p.m. on Wednesdays to 8:00 – 8:30 a.m. on Thursday mornings before the Commission meeting.

A nominating committee will be appointed at the March 2002 meeting to prepare the slate for the next Chair and Vice-Chair positions.

As there was no further business, the meeting adjourned at 11:25 p.m.